

Colorado Prosecutors Complete Closing Arguments in Tafoya Trial

FORT COLLINS, Colo., Dec. 2 (AP)—Calling Eugene Tafoya a professional soldier who bungled an attempt to assassinate a Libyan dissident, prosecutors completed closing arguments today in the trial of the former Green Beret for attempted first-degree murder and conspiracy to commit first-degree murder.

"Things didn't go as planned," District Attorney Stuart Van Meveren told the jury. Tafoya "didn't expect the resistance he got. He didn't expect to be seen . . . The defendant didn't try to maim. He went for the head. He came within inches of taking Faisal Zagallai's life, and he almost got away with it."

Zagallai was shot twice in the head with a .22-caliber pistol Oct. 14, 1980. He was blinded in one eye but otherwise has recovered.

Tafoya has admitted shooting Zagallai at the Libyan's Fort Collins apartment but claims it was in self-defense.

After deliberating for 5½ hours, the jury retired for the night.

Defense attorneys, in closing arguments before prosecution rebuttal, called Tafoya a "forgotten patriot" who was on a mission for his government when the Libyan dissident pulled a semi-automatic pistol and threatened his life.

"It was not an execution," Walter Gerash said. "It was an intense struggle."

But in his rebuttal, Van Meveren told the jury: "You heard a lot about Vietnam and patriotism. That's fine. The judge can consider that in sentencing. You cannot consider that."

He rejected defense contentions

that Tafoya was delivering a message for the Central Intelligence Agency and that if he had intended to kill Zagallai he would not have failed.

"He may be an expert soldier. That doesn't make him an expert hit man," Van Meveren said, adding that the claim that Tafoya worked for the CIA is a "non-issue" smokescreen.

"The fact that he thought he was working for the CIA, or even was working for the CIA . . . what does that have to do with what happened in the apartment?" Van Meveren asked.

Gerash, showing the jury two red government passports in Tafoya's name, said the decorated war veteran had gone on several missions for the CIA and went to Zagallai's apartment on a CIA errand to warn Zagallai to stop his dissident activities.

Gerash said the CIA had left Tafoya "out in the cold" by denying he had ever worked for the agency.

Before Van Meveren began his arguments, District Judge J. Robert Miller told jurors they could also find Tafoya guilty of attempted second-degree murder, third-degree assault, conspiracy to commit third-degree assault or innocent.

"The defendant was a professional soldier for 20-some years in the Special Forces, the Green Berets," Van Meveren said in discounting Tafoya's claim of self-defense. "Is a man of his experience, of his size, in control of the situation, going to turn his back when there is a weapon there?"

Tafoya has said he shot Zagallai

after he was threatened with a 9mm semi-automatic pistol the 35-year-old Libyan student pulled from a sofa cushion.

Tafoya contends he went to the apartment to deliver a message for the CIA, warning Zagallai to stop making anti-Libyan broadcasts critical of the regime of Col. Muammar Qaddafi. But Van Meveren argued that the evidence indicated Tafoya had planned an assassination, noting that he had spent two days in Fort Collins before the shooting.